

REMARKS/ARGUMENTS

Applicant respectfully requests reconsideration and allowance of claims 1-6 that are pending in the above-identified patent application. Applicant has amended claims 1 and 4 in accordance with the Examiner's recommendations. No new matter has been added by the claim amendments.

In numbered part 2 and 3 of the Office Action, pages 2-3, the Examiner rejected claims 1-2 and 4-5 under 35 U.S.C. § 102(b) as being anticipated by Young, et al. ("Young") and claims 1, 3-4 and 6 under 35 U.S.C. § 102(b) as being anticipated by Monta, et al. ("Monta"), respectively. The reasons for the rejections are similar to those expressed in the Examiner's December 19, 2002 Office Action. In this regard, Applicant refers to the remarks made in Applicant's March 19, 2003 Response to the Examiner's December 19, 2002 Office Action. (The Examiner refers to Applicant's March 19, 2003 Response as the March 25, 2003 Response. Applicant presumes that this is the date on which the March 19, 2003 Response was received by the Office.)

In numbered part 4 of the May 22, 2003 Office Action, pages 3-7, the Examiner provides a Response to Applicant's arguments. To summarize, the Examiner agrees that Applicant's invention appears to be different from Young and Monta and all that is left now is for Applicant to amend the claims accordingly. Specifically, the Examiner suggested that Applicant amend claim 1 to recite that the time slots are independent of the program broadcast times and that there is an allocation of programs of varying lengths into the time slots. (See Response to Applicant's arguments, Section 4(a), page 4 and Section 4(c), page 7.)

In accordance with the Examiner's recommendation, Applicant has amended claims 1 and 4 to require that the

predetermined length of time is "independent of the program broadcast times." Furthermore, Applicant has amended claims 1 and 4 to require "wherein the programs [being allocated] have varying lengths of time." Thus, Applicant submits that independent claims 1 and 4 are now distinguishable over the cited references of Young and Monta. As such, Applicant respectfully submits that the Examiner's § 102(b) rejection of independent claims 1 and 4 with respect to Young and/or Monta, be withdrawn.

Further, claims 2-3 and 5-6 depend from independent claims 1 and 4, respectively, and contain all of the limitations thereof as well as other limitations that are neither disclosed nor suggested by the prior art of record. Accordingly, Applicant submits that the subject dependent claims are likewise patentable.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Early and favorable action is earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

Application No.: 09/284,698

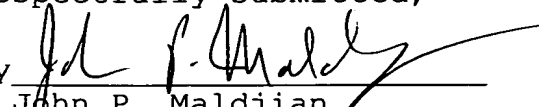
Docket No.: SONYAK 3.3-033

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: August 20, 2003

Respectfully submitted,

By


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